

1     that they've faxed something maybe to the News Department,  
2     or to maybe to even me and I have not seen it. Now, like I  
3     said, I have some employees that have been sabotaging me for  
4     quite a while.

5           Q     What do you mean by quite a while?

6           A     Whenever things come in that are supposed to --  
7     it's not addressed to them. It seems interesting, they take  
8     it because I have reprimanded someone for taking something  
9     and keeping it on the desk when it doesn't belong to them.  
10    The customer usually tells us since the fax is there, the  
11    secretary checks the fax.

12                   Many times someone else gets to the fax before she  
13    does. They take whatever papers come off of the fax and  
14    they put the news in the news bin for the news guy; they put  
15    the PSAs in another bin; and anything of a personal nature,  
16    they're supposed to, if it's addressed to Joe Blow, you fold  
17    it up, put it in an envelope, seal it, put his name on the  
18    outside, and put it in his box.

19           Q     How long has that been the procedure you've --

20                   (Multiple voices.)

21           A     That has been the procedure from when I first went  
22    up there.

23           Q     In 1990?

24           A     That is what I told them to do. Now some of them  
25    have a habit -- even if Al happens to leave early because

1 many of them I only have one or really two full-time people  
2 working there and that's Al Clark and the other person is  
3 the news guy. They're supposed to be there all day long but  
4 many of them have outside jobs also. When Al leaves, his  
5 area is free for anyone to just go in --

6 (Multiple voices.)

7 Q So you believe --

8 A -- and get to the fax.

9 Q -- that this fax was mislaid and never reached  
10 you?

11 A Sometimes things are mislaid because something  
12 that was sent to me pertaining to this deposition that was  
13 faxed to me, I found page four last Friday evening. But I  
14 have no idea where pages three, two and one are. That's the  
15 kind of thing that has been happening and I've had meetings  
16 and I've spoken to them about it. I've given them the  
17 procedures in writing.

18 The only alternative after that happened last  
19 week. I decided when I get back to St. Croix and I did make  
20 contact with someone working at the telephone company, I am  
21 going to move the fax machine and lock it in the office.  
22 The only thing I'll have to do now is give the news man a  
23 key because he has to get the press releases when they come  
24 in when I'm not there.

25 Q So you do remember seeing Deposition Exhibit No.

1 10 when you got a copy from the post office?

2 A I remember giving the letter to my father. He  
3 opened it and he said: Here. Read this. I remember  
4 anything that he gave me to read, I read it and, of course,  
5 he wanted it back immediately.

6 Q Did you do anything other than read the letter  
7 when you received this document?

8 A No. Because, as usual, he promised me that he  
9 would take care of it. I kept telling him and I said: You  
10 have to do these things. You can't just put it aside. He's  
11 the type of person he thinks that he can do everything. He  
12 has a law practice but, yet, still **he** wants to, you know,  
13 operate the station at the same time, which is impossible.  
14 I tried to get that through his head but --

15 Q Did you talk to anyone else at the radio station  
16 other than your father about this letter in the July 2000  
17 time frame?

18 A No. The employees at the radio station have  
19 absolutely nothing to do with anything that comes in.  
20 Anything that comes in, they're supposed to pass it on. But  
21 as far as discussing anything with any of them, they're just  
22 there and they do their normal duties and that's it.

23 Q Did you discuss it with your brothers?

24 A No. Because my brothers had nothing to do with  
25 the station.

1 Q Did you discuss it with your mother?

2 A I know once or twice, I may have mentioned to her  
3 that I remember seeing some mail that my father had from FCC  
4 and he let me, you know, glance at it. There are things  
5 that need to be taken care of and she said: Well, I'll just  
6 remind him that he has to do it. I said: Yes. It has to be  
7 done in a timely manner.

8 Q Do you know if she --

9 (Multiple voices.)

10 A I more than likely --

11 Q -- discussed it with him?

12 A Yes. My mother, if you mention something to her,  
13 she would definitely pass it **on** to him. Now whether he did  
14 anything about it that's the question.

15 Q Did you do anything else with respect to the  
16 letter that we're referring to, Deposition No. 10, that you  
17 haven't mentioned?

18 A No. No, because my father always assured me that  
19 he had everything taken care of. He would contact the FCC  
20 and he would take care of everything.

21 Q Okay. At your last deposition, you made a  
22 statement that I'll quote: I have been trying to get my  
23 father for years to have a communications attorney on staff,  
24 so that they can handle any documents with the FCC. What  
25 were you referring to when you made that statement?

1           A     Well, after I saw a number of envelopes coming  
2     through the mail addressed FCC and especially after I saw  
3     the one that I made reference to that he let me read the  
4     very first one, I told him he couldn't do everything. It's  
5     impossible. He needs someone who is familiar with FCC rules  
6     and regulations because it's obvious he is not, which he  
7     took the wrong way with me and it did set us apart a little.

8                 But I told him we needed someone to handle this  
9     because this is such a difficult task and he's not familiar  
10    with it and he doesn't know what he's doing. I even told  
11    him that the operation of a radio station -- the way they  
12    operate a radio station in 1952, or whatever in the '50s,  
13    when I was small when he was working at the radio station is  
14    totally different than how a radio station is, or should be  
15    operated at the present time. I tried to drill that through  
16    his head and drill it through his head but he felt that he  
17    knows it, so he will be able to handle it.

18           Q     When did you start having conversations with your  
19    father along those lines?

20           A     Gee! I've mentioned that to him. The very first  
21    time that I may have mentioned that was when I went back to  
22    the radio station. I went back in July 1998. It may have  
23    been -- I do believe that's when he was sick and in the  
24    hospital. It may have been '99 because I told him I said:  
25    We need to operate the station in the right manner. I said:

1     You're going to run into problems.

2             At the time, I didn't know half of the problems,  
3     you know, that we had because he kept a lot of this to  
4     himself because he's a James and he can handle it. He'll  
5     take care of it. But then look at where it has gotten us.  
6     If he had taken my stupid advice, or my mother's stupid  
7     advice, and said: Well, okay. Let me get an attorney to  
8     deal with this, a communications attorney, we wouldn't be  
9     in this position.

10            Q     Did your mother have conversations starting at  
11     about that same time you've identified?

12            A     Well, whenever I got irritated enough, I would  
13     mention it **to** her. And, of course, she would get on his  
14     case and then he would be grumpy all day but my mother never  
15     stopped cooking for him. She fed him, but it was not --

16            Q     Would that have worked, if she had stopped cooking  
17     for him?

18            A     My mother is a saint because she has endured this  
19     for 51 years. I am **51** years of age and it was with a heavy  
20     heart that I moved back to St. Croix **I'll** be perfectly  
21     honest because I know --

22            Q     In 1990?

23            A     In 1990. Because I know how hard-headed my father  
24     is. I have lived it. I'm the only girl. I'm the oldest of  
25     four children. It has not been easy up to this stage. It

1 is not easy.

2 Q At least you're in beautiful St. Croix.

3 A Well, I'll take beautiful -- I mean, you know, I'm  
4 there for a reason now and I tend to see it through.  
5 Because I think I need to prove to my father that I can  
6 accomplish what he failed to do because I follow rules and  
7 regulations. If you tell me to walk on the right side **of**  
8 the street, that's where I'll walk. I wouldn't cross the  
9 street to walk on the left.

10 My father's the type if you tell him to walk on  
11 the right, give him a very good reason because otherwise  
12 he's going on the left just to test you. That's the type of  
13 person he is, extremely headstrong. But I get blamed **for**  
14 being exactly like him but I'm not. I listen to people,  
15 definitely. Unfortunately, I look just like him, too.

16 Q Do you?

17 A Yes.

18 Q I look just like my father also. I've been told  
19 it's scary how much I look like him.

20 A Yes.

21 Q You've made reference to one of your employees,  
22 Alva Clark, correct?

23 A Yes.

24 Q What's his position?

25 A He's serves the dual position of Program Director

1 and Production Manager.

2 Q How long has he been at the station?

3 A When my parents acquired the station, he was  
4 already working there. They kept all of the employees that  
5 they met there and he was one of them. He did leave for a  
6 while to go and work with one of Jonathan Cohen's stations,  
7 Sunny 99. I do believe that may have been somewhere between  
8 '96 and '98. I could have the dates wrong.

9 Q But for a two-year period?

10 A But he was gone approximately for a year or a year  
11 and a half. It may not have even been that long and then he  
12 came back.

13 Q Okay. What was his position in the period of 1990  
14 when --

15 A He was just on-air announcer and disc jockey.

16 Q When did he become -- you said he had had a  
17 production role as well?

18 A When I went to the station to work, I put him in  
19 charge of all of the announcers and in charge of the  
20 production.

21 Q When you said when you went, did you mean 1998?

22 A In 1998, when I went back there.

23 Q Who did he report to from the period of 1992 to  
24 1998, when you were working elsewhere?

25 A To my father.



1           Q     Did you ever have discussions with him during that  
2     period about Family Broadcasting?

3           A     Not about Family Broadcasting that I can recall  
4     because the employees they come in and they do their work  
5     and then they're gone. Anything about the operation of the  
6     station or anything like that, they never discussed. To the  
7     best of my knowledge, it was never discussed with them.

8           Q     Do you know if he ever discussed matters with your  
9     father that relate to the operation of the radio station in  
10    compliance with FCC regulations?

11          A     No. Not that I'm familiar with.

12          Q     Did there ever come a time when you had a meeting  
13    with Mr. Clark and with your brother, Gerard Luz, Jr., and  
14    with a man called Alvin G?

15          A     That was prior to my agreeing to go back to the  
16    station in July 1998. At the time. the only involvement my  
17    brother had was to try and convince me to go back. They  
18    were willing to work with me to try and keep the station  
19    going, you know, the programming and everything because the  
20    programming had, you know, gone down.

21                That was actually the role that we had to try and  
22    get the programming back on track and get the News  
23    Department going again. Because, at the time, Alvin G used  
24    to work there but he had left. He was working for Jonathan  
25    Cohen and he had been fired by Jonathan Cohan, so he was

1 interested in coming back.

2 Everyone who leaves is always interested in coming  
3 back to WSTX for some reason. We're told that we're  
4 difficult to deal with but they always want to come back. I  
5 don't know why. So the gist of the conversation was just to  
6 convince me to come back with them to try and convince my  
7 father to take a back seat, which at the time I thought I  
8 thought it had worked. But I found out it hadn't because he  
9 was still handling everything himself. He kept a lot of the  
10 documents, a lot **of** the information, away from us.

11 **So** we never knew, unless I happened, like I said,  
12 to go to the post office and check the mail. If I saw  
13 something came in from the FCC, I'll give it to him. What  
14 is it? Just something that I have to send them some  
15 information, you know. That's the kind of response I used  
16 to get.

17 The way he responded, many times he made it seem  
18 like it wasn't that important or, you know, something that  
19 he had to get on the ball with immediately. Many times I  
20 said: Are you sure? He said: Yes, I'll take care of it. I  
21 said: Okay. Please be sure that you take care of it because  
22 I am up here working now.

23 I had expressed many times I didn't like the fact  
24 that I had a title and no authority because, although I was  
25 there as General Manager, you could have called me the

1 daytime supervisor just to make sure everyone was on the  
2 job; they did what they were supposed to; and the spots with  
3 the -- I also did the daily log, so that the announcers  
4 would know what time to play what advertisement. That was  
5 essentially my duties.

6 Q So at this time of this July 1998 meeting when  
7 they tried to convince you to come back, Alvin G. wasn't an  
8 employee at the station at that time?

9 A No.

10 Q Did you discuss your father in particular and his  
11 role at that meeting?

12 (Multiple voices.)

13 A Well, we -- yes, we did. The only way that I  
14 agreed to come back and they agreed to work with me is if my  
15 father did not have anything to do with the operation of the  
16 station. I discussed that. I was given the task of  
17 discussing that with my father.

18 If I remember correctly, I did put something in  
19 writing and I had him sign it, which meant nothing, you  
20 know, stated that he would stay away from the daily  
21 operation of the station. It had been the practice since  
22 1990 up to today. A lot of the employees still call and I'm  
23 there but they still call him. Al Clark, for instance,  
24 called him last week when someone was sick asking if he  
25 could come up and I told Al, I said: You are in charge of

1 the employees in personnel. If someone who can't come in, I  
2 expect you to fill it if you can't get someone else.

3 I told him: Don't call my father because my father  
4 has two religious programs on the radio and that's it. As  
5 far as the operation of the station, he has absolutely  
6 nothing to do with the operation now and this is the first  
7 time, thank God, that he's finally listening. I think maybe  
8 the trip that he took up here had a lot to do with it  
9 because -

10 (Multiple voices.)

11 Q In November to take --

12 A In November --

13 Q -- to take his deposition?

14 A -- because I think it finally hit home.

15 Q When Alvin called him last week to get someone to  
16 fill in, who filled in?

17 A He called my father and my father went up.

18 Q He filled in as a DJ?

19 A Yes.

20 Q The document that you had your father sign back in  
21 1998, do you have a copy of that?

22 A I should have a copy at home.

23 Q Could you send it to us?

24 A Sure. As long as I find it because I know I had  
25 him sign it and I remember looking at it and I said: Gee!

1 This isn't even worth the paper it's written on. Because I  
2 know how head-strong he is. He would say: Yes. He isn't  
3 going to have anything to do with the station and anyone who  
4 called him at the time: Sure. I'll take care of it.

5 MR. COLBY: Can I clarify something I have in my  
6 mind?

7 VOIR DIRE EXAMINATION

8 BY MR. COLBY:

9 Q When you said the trip he took in November,  
10 November of what year?

11 A In November 2002 for his deposition before the  
12 FCC.

13 FURTHER DIRECT EXAMINATION

14 BY MS. DeNIGRO:

15 Q Is it correct that those of you who attended this  
16 meeting in July '98 to convince you to come back, you, Alvin  
17 Clark, Alvin G. and your brother, Gerard Luz, Jr., at that  
18 time your intent was for your father to have no further  
19 managerial role at the station going forward?

20 A Yes.

21 Q All of you were agreed on that at that time?

22 A Yes. At that time, yes.

23 Q You father was he aware that you were having this  
24 meeting?

25 A Not that I can recall.

1           Q     Did you tell him about the meeting after it  
2 occurred?

3           A     Yes. I was the one that spoke to him.

4           Q     What exactly did you say to him?

5           A     Well, I told him that I met with them. First of  
6 all. I told him that I didn't like the way the radio station  
7 was sounding, the way it was operating. Our programming was  
8 pitiful. I may have used another word, and that we needed  
9 to do something about it.

10                   I told him that I had met with them. I was  
11 willing to come back to the radio station and they're  
12 willing to work with me, but he would have to stay out of  
13 the daily operation of the station. He would have to have  
14 nothing to do with it other than just his religious programs  
15 that he had. He comes on and he's a regular DJ. But any  
16 questions that needed to be answered, anything dealing with  
17 the management of the station, would have to come to me. At  
18 the time, he agreed.

19           Q     Was Alvin G., was his return to the radio station  
20 contingent on that as well? That he --

21           A     Yes, it was.

22           Q     -- had nothing to do with it? Is Alvin G still  
23 with the radio station?

24           A     No. He left the radio station a year ago.

25           Q     **So** that would have been about 2002?

1           A     He left in the end of October or the beginning of  
2     November 2001.

3           Q     Okay. Why did he leave at that time?

4           A     Well, I was not at the station at the time on that  
5     particular day but I understand he had a difference of  
6     opinion with my father and he walked out. He's now the News  
7     Director over at Sunny 99. He's back at the job that he was  
8     fired from.

9           Q     He's back at the job that he was fired from at the  
10    time that you met with him in 1998?

11          A     Yes.

12          Q     So he's gone back to the --

13               (Multiple voices.)

14          A     To his old job.

15          Q     Okay. Do you know what the difference of opinion  
16    with your father, what the subject of that difference of  
17    opinion was?

18          A     At the time, we had an electrical outage. It was  
19    island-wide and it was prior to the news. It was  
20    approximately maybe 4:00 or 4:10 o'clock. The news starts  
21    at 4:30 p.m. and the generator did not kick in. The  
22    automatic starter was not working, so you had to start it by  
23    hand. When it was started by hand, the FM could be heard  
24    but not the **AM** for some strange reason.

25               But later, we found out there was an electrical

1 problem with one of the transformers on the poles outside,  
2 so the electrical company had to come and replace it. But,  
3 at the time, Alvin got very upset. This is second-hand  
4 information. I was not there.

5 Q Who did you learn this information from?

6 A Al mentioned it to me and then when my father came  
7 home, he mentioned it and he said Al --

8 (Multiple voices.)

9 Q Al Clark mentioned it to *you*?

10 A Yes.

11 Q Okay.

12 A Alvin got very belligerent and he started cursing.  
13 He's said he's sick and tired of this f\_\_\_ing place and  
14 nothing seems to work. Of course, you know, that opened the  
15 door for my father to respond to him. He's never at a loss  
16 for words. He responded to him and he told Alvin: I got the  
17 generated started, go and do the news. Alvin didn't --

18 Q Follow his direction?

19 A He said: Alvin, we're up and running. Go and you  
20 can start the news. Alvin still didn't move. So my father  
21 told him: Either do the f\_\_\_ing news or go down the hill. So  
22 he packed up his things and he went down the hill. My not  
23 being there, I tried to contact him when I found out about  
24 it.

25 Q When did you find out about it?



1           A     I found out about it when my father came home that  
2 evening he mentioned it.

3           Q     You were at home and he came home --

4           A     Yes.

5           Q     -- that evening and told you that?

6           A     Because first of all, I heard and I listened and I  
7 said: Well, we're back on. Where's the new? When my father  
8 came home, he said: Alvin walked down the hill, so I just  
9 sat there and played music.

10          Q     Was anyone else there at the radio station at the  
11 time of this disagreement?

12          A     Al was there, Al Clark.

13          Q     He was actually present?

14          A     He was there because, when I called him the next  
15 day, he told me what had happened. I do believe there was a  
16 gentleman that had come in to be taped for the news but he  
17 couldn't be taped because the electricity was out. But once  
18 it was up and going, he could have been taped but Alvin was  
19 so upset -- he's a personality like my father, so they clash  
20 very often.

21               MR. COLBY: Are we going to break for lunch?

22               MS. DeNIGRO: No, not quite yet I don't think. I'm  
23 just getting a signal from -- right, okay.

24               BY MS. DeNIGRO:

25          Q     The day that this disagreement occurred between

1 your father and Alvin G. what day of the week was that, do  
2 you recall? I know that's a toughie.

3 A It was either a Wednesday or a Thursday because it  
4 was near the end of the week. I recall that much. It may  
5 have been a Thursday.

6 Q Why was your father at the radio station at that  
7 point in time?

8 A The electricity had --  
9 (Multiple voices.)

10 Q So when the electricity had gone out --

11 A -- gone off and not hearing the radio and the  
12 generator not coming on because Al knew how to put it on and  
13 so did Alvin G. Al Clark and Alvin G.

14 Q Right.

15 A Yes. They both knew how to put the generator on  
16 manually, if it didn't kick in. I understand that Al was  
17 the one that tried to put it on and couldn't get it on and  
18 Alvin decided he wasn't going to try and put it on.  
19 Whenever my father does not hear the station on the air, he  
20 drives straight up there. So he drove up there and he was  
21 the one that got the generator on.

22 Q Did he tell you he was going up there before he  
23 went up there?

24 A **No.** I hadn't seen him. He was at his office.

25 Q He was at the law office?

1           A     He left his office and drove straight up there.

2           Q     Did anyone from the radio station call you about  
3 problems with the generator at that time?

4           A     No.

5           Q     Did anyone from the radio station call you about  
6 the argument between Alvin G, and your father at that time?

7           A     No. The next day was when I spoke to Al Clark and  
8 I asked him if he was still there and what had happened?  
9 That's when he told me about the disagreement. At the time,  
10 he even said: Well, you know, there was no reason for Alvin  
11 not to go and do the news because the generator was up and  
12 running.

13                     But it seemed as though when the electricity came  
14 back, one of the phases was not up to par. **So** instead of  
15 hearing both the **AM** and the FM, you could only hear the FM.  
16 The **AM** was not operational. We had to get the electrical  
17 company to come and replace the transformer and set the  
18 phases and then everything was fine.

19           Q     How many employees do you have at the radio  
20 station, full-time employees?

21           A     Full-time, we have -- well, Al Clark is the only  
22 salaried employee that's full-time.

23           Q     Okay.

24           A     The news guy, he operates on a contract. **So** he  
25 gets a 1099 Form. He just started with us.

1 Q Who is he? What's his name?

2 A Arthur Byrd.

3 Q Okay. He started when?

4 A He just started on a daily basis in September of  
5 this year but he did do two --

6 (Multiple voices.)

7 Q September 2002?

8 A Yes. After Alvin left, I was able to get Lorraine  
9 Quinton, who was a news anchor at the TV station prior to  
10 Hurricane Hugo. She had moved back to Texas and then she  
11 had moved back to St. Croix. She was teaching at the high  
12 school and she was tired **of** teaching. She was looking for a  
13 job to do regular TV, so **I** got her but she **only** worked there  
14 approximately five months.

15 Q Why is that?

16 A Well, she has a daughter and she proved not **to** be  
17 reliable.

18 Q Was she terminated or did she quit?

19 A No. We had an amicable parting.

20 Q You asked her to leave and she --

21 A Well, we sat and discussed it. I told her that I  
22 was willing to work around her hours and maybe possibly get  
23 someone else to help with the news but then she decided she  
24 wanted to do something else. So **I** told her I said: Well, if  
25 you can find something else out there, I wouldn't have a

1 problem with that. We're still very good friends though.

2 Q After Alvin G. left in October 2001, did you talk  
3 to him about coming back to the station?

4 A I wrote him a letter.

5 Q You wrote him a letter in October?

6 A I remember sending him a letter. I made several  
7 attempts to call him and left messages on his answering  
8 machine, which he did not respond to. I saw him one time  
9 and I tried to stop him and he just kept his head straight.  
10 I hadn't bothered anyone and I'm trying to resolve, you  
11 know, the problem. So after a while, I wrote him a letter.  
12 Because I understood that he was going back to the other  
13 station. Then, when there were promos for his return,  
14 that's when I wrote him the letter and asked him to please  
15 return any WSTX equipment that he may have had with him.  
16 Also, at that time, I sent him his final check,

17 Q What was he paid for his work?

18 A He made approximately \$36,000 for the year because  
19 he does the news. He's more or less the news person that is  
20 free to come and go because we have news in the morning from  
21 6:30 to 8:00 then he can leave.

22 At the time, we had a little newscast. Many  
23 times, he would just tape something from the morning  
24 broadcast and we'd play that back at noon, unless there was  
25 some new development. Then, in the afternoon, he would come

1 back approximately at 2:00 or 3:00 and work on the news for  
2 the evening, which ran from 4:30 to 6:00 p.m.

3 He would also attend different functions,  
4 political functions, or anything that the community might  
5 have, any civic groups. I also have another person who goes  
6 and he gets paid, you know, from his news stories also and  
7 he would bring it back already taped with the narrative  
8 and --

9 Q Did Alvin G. have any equipment that belonged to  
10 the station in his possession at the time he left?

11 A At the time, in my letter, I asked him about a  
12 brand new dual-cassette cart deck that we had, which, when I  
13 left up here in September 2001 and I got back there, it was  
14 missing. Someone had told me that he had been using it, so  
15 I just asked him. I didn't accuse him of having it. I  
16 asked if he has any equipment in general, you know, that  
17 belonged to the station to please return it because I have  
18 some equipment that's missing.

19 Q Did he return it?

20 A No. He said he didn't know anything about it.

21 Q Did you locate that --

22 (Multiple voices.)

23 A There was also the question of a Morantz cassette  
24 deck that I had personally taken to the station and given  
25 him. He also had one himself. He had two. This one made a

1     third one but I understood that he said he never took ours.  
2     Ours was left there, which I have not seen it.

3           Q     So there are two pieces of equipment that have  
4     gone missing?

5           A     We have more than two pieces of equipment that  
6     have disappeared. We have --

7           Q     What are the other items?

8           A     I had a CD player that I had had as a back-up. The  
9     extra ones that I have as back-ups now, I just lock them up  
10    in the office.

11          Q     What time period did that --

12          A     Since I have been back there July 1998, we've had  
13    several pieces of equipment. I mean some are little things  
14    like CDs. Whenever local artists have new CDs to be  
15    released, they bring it to the station and they usually give  
16    us a copy. Some of the employees have walked out with the  
17    copies. They've just taken them.

18                I tell them: Okay. If you'd like to borrow it, I  
19    don't have a problem with that. There's a procedure to  
20    follow. You sign it out. But when we go looking for  
21    certain things, they're missing. A lot of the new CDs that  
22    we just got over the Christmas holidays have disappeared  
23    already.

24          Q     What's your opinion on where these items --

25          A     The employees are going with them.

1           Q     How many employees are in the office on a regular  
2 basis?

3           A     In the office, I have one lady who volunteers her  
4 time.

5           Q     Okay.

6           A     She's there and I'm there all day long, unless I  
7 have to leave and take care of the children. So I do some  
8 of the office work also and then she comes in in the  
9 afternoon. She's there from 12:00 until 5:00. But, in the  
10 morning, I'm there. If I can't get there, Al is there in  
11 the office. He handles that because there are times when  
12 it's very slow and really there's nothing to do.

13          Q     So, then, I guess I counted four people: yourself,  
14 Al Clark, the woman who volunteers with you in the  
15 afternoons, and the news person.

16          A     There are at least eight DJs and they work on a  
17 part-time basis. They either work for the government or  
18 they work elsewhere full-time. This is just something they  
19 **do** on a part-time basis. Their hours range from -- there's  
20 one that may only work one night a week for maybe four or  
21 five hours. I think the one that works the most would be  
22 approximately 20 hours a week.

23          Q     They play music primarily on the radio?

24          A     Yes, just music. That's all.

25          Q     What kind of salary do they make for the DJ work?



1 A Some get \$7 an hour and some get \$8 an hour.

2 Q How long have they been acting as DJs?

3 A Some of them we met them there.

4 Q In 1990?

5 A Yes.

6 Q Have you hired of them personally?

7 A Any of those that are there? There are one or two  
8 of them that I hired.

9 Q When did you hire them?

10 A One would be January or February of last year,  
11 that's the latest one.

12 Q February 2002?

13 A Of 2002.

14 Q What about the other one?

15 A The other one, he came back in 2001, the latter  
16 part of 2001. But everyone else has been there from the  
17 time we got the station.

18 Q Other than the music that you play that you just  
19 identified with DJs, what sort of programming does the radio  
20 station have?

21 A We have a sports program.

22 Q When is that?

23 A Sports and that's one night a week, Wednesday  
24 evenings from 7:00 to 9:00 p.m.

25 Q How long has that -

1           A     It's called the Game Plan. That has been since I  
2 am back up there, approximately three years now.

3           Q     Who runs that show on the air?

4           A     A young man by the name of Rashidi Clenace, C-L-  
5 E-N-A-N-C-E.

6           Q     Did you hire him?

7           A     Yes, I did.

8           Q     Had you had sports programming on the radio  
9 station prior to that?

10          A     The closest we came to sports was just a  
11 sportscast that comes in the news and that is -- WSTX has a  
12 lot of volunteers. This is a gentleman, who I guess he's  
13 about my father's age. He did play with the major leagues,  
14 with the New York Giants I think it was at the time.

15          Q     Pretty good.

16          A     Valmy Thomas is his name and sports is in his  
17 blood. He would call the radio station during the news and  
18 give a sports newscast, local and national. You know, I've  
19 spoken to him asked him, you know, if we could sit down and  
20 try to compensate him but he said no, he wants to just do  
21 that.

22          Q     So he does that for no pay?

23          A     So he does it just for the love of sports.

24          Q     What other programming?

25          A     The other programming, like I mentioned, we have

1 the talk shows. It's just music, the talk shows and the  
2 sport show and the police department has a program. We have  
3 religious programming. Quite a bit of religious  
4 programming, which, if it were left up to my father, it  
5 would just be thrown haphazardly here, there or wherever  
6 there's a space he would put it. We've had disagreements  
7 about that also.

8 Q When have you had disagreements about that?

9 A About the programming because he would just stop  
10 in the middle of playing music and wants to put on the  
11 religious program. I told him: No. That's not proper  
12 programming. Let's get all of the religious programming and  
13 put it together. So we have religious programming Saturday  
14 afternoon. It was a task to get because some people felt  
15 that wherever they want to go during the day, or wherever I  
16 should put them, and I told them: No. We have to do it the  
17 proper way otherwise it's haphazard and we turn people **off**.

18 When people want to hear music, give them music.  
19 We can put the religious programming together. We have  
20 religious programming on Sunday mornings, starting at 6:00  
21 a.m. until 1:30 p.m. Then we have music, which is like the  
22 oldies music from the '50s, the '60s, the '70s and the '80s.  
23 That goes until 5:30 p.m. Then, from 5:30 until midnight,  
24 we have -- all of these programs that I mentioned are either  
25 taped or live church services and that's on Sundays.

1           It was just a task to get that 2:00 p.m. to 5:30  
2 p.m. slot for music. Because I felt that we needed a little  
3 break from all of the religion that you have all day long  
4 from 6:00 a.m. until 12:00 midnight. I'm just as religious  
5 as the next person but then it turns people off. The senior  
6 citizens on the islands, they're extremely religious. If it  
7 were left up to them, every radio station would just have  
8 religious programming but that doesn't pay the bills. So we  
9 have --

10       Q     **So** when did this change in the programming occur?  
11 You said it was difficult to accomplish --

12           (Multiple voices.)

13       A     It was gradual. When I went up there in July, it  
14 was a gradual --

15       Q     July of? I'm sorry

16       A     Of 1998.

17       Q     Okay. So, in July 1998, you started --

18           (Multiple voices.)

19       A     That's when I started working --

20       Q     Okay.

21       A     -- on changing. Some of them are set in their  
22 ways and they're older than I am, so they took it the wrong  
23 way. So I had to be very diplomatic about how I approached  
24 a lot of them. But after I explained that I wanted the  
25 programming to blend and to sound good, then I was able to

1 bring them over to my side although my father wasn't too  
2 pleased.

3 Q Did some of this change in programming occur prior  
4 to the time you were President of the radio station?

5 A Well, it started gradually. But, as of 2001,  
6 that's when I was able to sort of corral everything in a  
7 certain area. On Saturday afternoons, after the talk shows,  
8 we have a police program, which is information that they  
9 disseminate to the public and that is free **of** charge. We  
10 have a consumer awareness program, which is a half an hour  
11 and that goes until 4:30, 4:00 to 4:30 p.m.

12 Then from 4:30 until 6:30, I think it is we have  
13 another series of religious programming. Those are like the  
14 people coming into the studio and they do the praying and  
15 the singing and everything live. After that, there's music.

16 Now last weekend or last week, I was approached by  
17 a group **of** I think they call themselves Hebrew Israelites.  
18 They dress like Muslims and they've asked about time for  
19 religious programs. So the only time I had available was --  
20 and they needed the one on Saturday. I gave them the 7:00  
21 to 6:00 p.m. slot, so that I have all of the religious  
22 programming covered.

23 Because at 8:00, we have the oldies again but this  
24 time it's the old calypso music that the local people grew  
25 up with. Those of my age and older, you know, grew up with.

1 We have a lot of listeners to those shows. So I am trying to  
2 make sure that we don't lose those listeners and all of  
3 those programs have sponsors.

4 Q Do you make all of the decisions about programming  
5 currently?

6 A Well, since March of last year or I should say  
7 since I went back to St. Croix after I was up here in May,  
8 that's when I started actually --

9 (Multiple voices.)

10 Q After your deposition would you say?

11 A Yes. When I went back that's when I -- well, at  
12 that point, I felt that I did have the authority then and I  
13 started making the changes and I did have some opposition.

14 Q Who did you have opposition from?

15 A My father.

16 Q Okay.

17 A But I over --

18 Q Do you currently have opposition from him on  
19 programming?

20 A For some strange reason since November of last  
21 year --

22 Q Of 2002?

23 A -- he's been a lot easier to deal with but I'm  
24 looking at him because he can be a slick one.

25 Q You've got to keep one eye on him all of the time?

1           A     He tries to get in the back door but I've been  
2     able to stand up to him. I put my foot down and I told him:  
3     If I'm in charge, I'm in charge. Let me do what I have to  
4     do. If I fail, it's on me. But I told him to remember he's  
5     getting up in age. He needs to just sit back and enjoy his  
6     retirement. He's the type that can't [sic] keep busy but  
7     I'm not telling him to stop what he's doing, just slow down  
8     and definitely stay away from WSTX.

9           Q     What rates are charged for the religious  
10    programming?

11          A     The religious programming one hour is \$100; a half  
12    an hour is \$50; and 15 minutes is \$25. That has been in  
13    effect since September 1990. We've never raised those  
14    rates.

15          Q     Do you intend to raise rates or --  
16                   (Multiple voices.)

17          A     As a matter of fact --

18          Q     -- change rates?

19          A     Well, since I was considering that prior to 9/11  
20    when I went back after my deposition. But since 9/11, I  
21    decided to put that on hold. Even the present rates have  
22    more or less -- when I went back in 1998, I did raise some  
23    of them.

24          Q     What rates did you raise at that point?

25          A     The talk shows were raised from like \$10 for a 30

1 second spot. It's now \$15 for a 30 second spot and the  
2 people paid because those are popular programs. I've also  
3 put some packages together for people who would like to  
4 advertise but they don't really have a lot of cash on hand  
5 because I know what it is. I try to accommodate everyone  
6 and give them the little exposure that we're able to provide  
7 to them.

8 Q Could you describe some of those packages for me?  
9 I'm not sure what you mean by a package.

10 A Okay. I have what we call a Crunch Package, 17  
11 spots per week. You get three spots per day and two on  
12 Saturdays, one in the talk show and the other one is ROS.

13 Q ROS?

14 A Run of schedule. If there's a space available --

15 Q Okay.

16 A -- we put it in. That is 17 spots per week for  
17 \$115. That's a give away.

18 Q Okay.

19 A We have the news package, which I think the  
20 current rate is -- that used to be \$350, but I think that is  
21 now \$300. We've had people who have been advertising with  
22 us coming to Digest Package, which is \$450 and I've reduced  
23 that to \$400. In order to accommodate some people, we  
24 have -- in the news package, they get at least two spots per  
25 day, one in each newscast, a.m. and p.m. They get two



1 additional spots during the day. They get promos. They get  
2 the opening billboard and closing billboard, you know, the  
3 usual.

4 So they actually in a matter of a week, they get a  
5 lot of spots, in a month really for \$300. I've been told  
6 that our rates are the lowest and we need to raise them but  
7 then when we raise them --

8 Q Who told you that?

9 A Well, a lot of people who go and advertise in  
10 other programs.

11 Q Okay.

12 A They say: You know, your rates are the lowest. I  
13 said: Well, I'm trying to accommodate my people because a  
14 lot of them don't have the cash. They have businesses. In  
15 the Virgin Island, it's the small businesses that are  
16 actually carrying the government because the larger  
17 businesses get the tax exemptions.

18 MR. COLBY: I must say, Ms. DeNigro, I'm getting  
19 very hungry at this rate.

20 MS. DeNIGRO: It is just the stroke of noon and  
21 you're getting hungry already?

22 MR. COLBY: Yes.

23 MS. DeNIGRO: Well, we can certainly take our  
24 lunch break now. It's noon and that's fine and we can go  
25 off the record.

1                   (Whereupon, at 12:00 noon the hearing in the  
2   above-entitled matter was recessed, to reconvene at 12:39  
3   p.m. this same day, Wednesday, January 15, 2003.)

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A F T E R N O O N   S E S S I O N

(12:39 p.m.)

MS. DeNIGRO: Okay. We can go back on the record.

BY MS. DeNIGRO:

Q Just before we took a break, we were talking about some of the programming at the radio station. I wanted to go through the programming in just a little more formal a fashion, so that we were sure that we didn't miss anything. If maybe we started with Monday and went through to Sunday and went through what the program was for each day, then we'd sure to have it in a full format.

A Okay. Starting with Monday. Monday, we have music. We start with the news in the morning.

Q That's 6:00 to 8:00 you said, correct?

A That's from 6:30 to 8:00 a.m.

Q Okay.

A Let me start from midnight.

Q Okay. Midnight Sunday?

A Midnight, yes, Sunday. We have music up until the news begins at 6:30.

Q Okay.

A Then 6:30 to 8:00 a.m., we have the news; and 8:00 a.m. to 12:00 noon, we have music and that continues. Well, from 8:00 until 4:30, we have music. From 4:30 to 6:00 p.m., we have news. Then we have music again from 6:00 p.m.

1 until **11:59** p.m.

2 Q Okay. Now for the music that's playing from  
3 Sunday at midnight until **6:30**, who runs that show?

4 A That is Warren Acosta. He goes by the name of  
5 Bolo, B-O-L-O.

6 Q Is he paid for the work that he does?

1 A Yes, he is.

8 Q What is he paid?

9 A **\$1** per hour.

10 Q The news program that begins at **6:30** a.m., who  
11 does that?

12 A That is Arthur Byrd. He does all of the news.

13 Q Okay. Let's go back to the music. Again, let me  
14 just ask another question on that. How long has that  
15 program been running? When did that begin?

16 A Since my parents acquired the stations in **1990**,  
17 we've been **24** hours operational.

18 Q Okay. So has Bolo been doing a music program from  
19 **12:00** to **6:30** **on** Sunday night since that time?

20 A No. I'm sorry. Sunday, Sunday night, I'm sorry.  
21 That's Bloodstone. Bolo is Monday night.

22 Q Okay. So who runs the shows that's midnight  
23 Sunday until **6:30** a.m. Monday?

24 A That is Melville Boddie, who goes by the nickname  
25 of Bloodstone. M-E-L-V-I-L-L-E. Boddie, B-O-D-D-I-E.

1 Q Okay. What's his salary?

2 A \$7 per hour.

3 Q Okay. When did he begin doing this program?

4 A He has been doing that since we -- I think he came  
5 on with us approximately 1992 or 1993.

6 Q Who hired him?

7 A My father did at the time.

8 Q Has he been making the same salary throughout that  
9 period?

10 A No. They started out at \$5 I think it was, \$5 per  
11 hour.

12 Q When did he get a raise from \$5?

13 A They got a raise approximately -- the last raise  
14 that they got was when I went there in '98 and '99 I think  
15 was the last raise. But in between that there was a raise.  
16 I don't recall approximately what year.

17 Q Who determined that he would get a raise in 1999?

18 A I was the one. When I went up there, I decided  
19 everyone needed a raise because they hadn't gotten a raise  
20 in a long time.

21 Q That was in 1999 when you were General Manager?

22 A Yes. I had the title but I took it upon myself  
23 and I discussed it at the time with my parents. I told them  
24 that they needed to give them at least another dollar. So  
25 that's what -- at the time, there were no objections.

1 Q All the DJs that played music got a raise of a  
2 dollar --

3 (Multiple voices.)

4 A Yes.

5 Q -- at that time?

6 A Well, everyone got the dollar.

7 Q Okay. The next show that you identified is 6:30  
8 to 8:00 a.m.

9 A That's Mr. Byrd.

10 Q Arthur Byrd does the news.

11 A Arthur Byrd with the news.

12 Q When did he begin doing the news?

13 A Full-time in September 2002.

14 Q You said full-time. Was he working on it part-  
15 time prior to that?

16 A He did an evening newscast, just the evening  
17 newscast for me, for approximately two and half to three  
18 weeks in the first three weeks of June.

19 Q Of 2002?

20 A Of 2002.

21 Q So that was just a short-term project in June?

22 A Yes.

23 Q Okay. Why was he working on it in June?

24 A At the time, Lorraine Quinton was sick at the time  
25 because she became ill on Memorial Day. I told her I would

1 get someone to fill in in the meantime but it wasn't until -  
2 - she was out most of the summer. **So** it was not until  
3 September when he assumed the duties that she had.

4 Q Who filled in for her for the rest of the summer  
5 if Mr. Byrd was only working for two to three weeks in June?

6 A Abdul Ali, who is one of the hosts for the  
7 Saturday talk shows. He also doubles as a reporter. He  
8 does two newscasts, per week and he gets compensated for  
9 that in addition to his hours that he puts in on Saturdays.  
10 He gets \$8 an hour on Saturday. For the newscast, he gets I  
11 think it is \$30 per week or \$60 bi-weekly.

12 Q Okay. How much does Mr. Byrd get?

13 A Excuse me. Mr. Byrd gets \$50 per broadcast. He  
14 gets approximately -- it comes out bi-weekly to \$1,000 per  
15 week.

16 Q Did you hire Mr. Byrd?

17 A Yes, I did.

18 Q How did you find him?

19 A Well, he originally came there from the island **of**  
20 Antigua. He was visiting. he was in the process of moving  
21 to St. Croix and he was interested in working at the radio  
22 station. He heard that we needed a newscaster and he had  
23 previously done that type of work. **So** I interviewed him and  
24 at the time that's when I interviewed him in May.

25 Then, after Lorraine became ill, I contacted him

1 and he said he was interested in doing it on a part-time  
2 basis. Then he did it for approximately three weeks and  
3 then he went back to the island of Antigua for the rest of  
4 the summer because he was in the process of moving. When he  
5 came back at the end of August, I spoke to him again and he  
6 was able to accept the full-time job.

7 Q Did anyone else interview him other than you?

8 A I think Al may have spoken to him before I spoke  
9 to him. Because I know when he first came to the radio  
10 station, I was not there the day that he came. If anyone  
11 else spoke with him, it may have been Al. Because usually  
12 if I'm not there or I have to step out and someone comes up,  
13 I usually tell Al to take care of it and then give me  
14 whatever information and I'll contact them.

15 Q Did Mr. Byrd contact you about a position, or did  
16 you run some sort of advertisement that let him know, that  
17 he knew you were looking for someone?

18 A Well, before I got a chance to advertise anything,  
19 he came up and expressed an interest, so I told him I would  
20 give him a chance.

21 Q Did your father ever talk to him about coming on  
22 board?

23 A Not that I can recall. I'm the one that spoke to  
24 him.

25 Q The music show that's from 8:00 a.m. until noon, I